



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2022
PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9253 of 2022

1. A.Prakash
2. Suriyagandhi @ Suriya
3. Vijayan
4. Rajathi

... Petitioners/Accused No.1 to 4

Vs

State Rep.by
The Inspector of Police,
Elumalai Police Station,
Elumalai,
Madurai District.
(Crime No.81 of 2022).

... Respondent/Complainant

For Petitioners : Mr.K.Srinivasaragavan, Advocate.
For Respondent : Mr.M.Sakthikumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime No.81 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 324 and 506(ii) of IPC, in Crime No.81 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the petitioners and the defacto complainant and due to that, there was a wordy quarrel between them and thereafter, the petitioners abused the defacto complainant with filthy language and also assaulted him with hands. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners and the defacto complainant are close relatives.



4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the injured was discharged from the hospital. He would further submit that a counter case has been registered against the defacto complainant in Crime No.82 of 2022.

5.Considering the fact that the injured was discharged from the hospital, that the petitioners and the defacto complainant are close relatives and that the petitioners are not having any bad antecedents and it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Peraiyur, Madurai District, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police **once in a week (ie., on every Wednesday at 10.30 a.m.,** for a period of six weeks, and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f)if the accused / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/05/2022

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23/05/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION,
ELUMALAI, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9253 of 2022

Date :18/05/2022

RS/JM/SAR.2 (20.05.2022) 3P-5C